

K-C Docket No.: 19,043
Serial No.: 10/750,188
Response to Office Action Dated: August 7, 2007

Remarks

Claims 1-18 are pending in the instant application. Claims 3-6, 17, and 18 have been withdrawn from consideration. Accordingly, claims 1, 2, and 7-16 form the subject matter of this amendment. Reconsideration of the present application in view of the following remarks is respectfully requested.

Rejections Under 35 U.S.C. § 102

Kuen does not disclose each and every element of the claimed invention.

By way of the Office Action mailed August 2, 2007, the Examiner rejects claims 1, 2, and 7-12 under 35 U.S.C. § 102(b) as allegedly being anticipated and thus unpatentable over U.S. Patent No. 5,931,825 to Kuen et al. (hereinafter "Kuen"). This rejection is respectfully traversed.

Kuen is directed to dual elastic, liquid barrier containment flaps for a disposable absorbent article. Independent claim 1 of the present application is directed to a disposable absorbent garment including, *inter alia*, a stretchable carrier layer extending from the front waist region to the back waist region and placed in facing relationship with the liquid barrier layer, the stretchable carrier layer having a width in the waist regions of about the waist region width. First, the "stretchable carrier layer" 46 of Kuen, as identified by the Examiner, does not have a width in the waist regions of about the waist region width, as required by claim 1. Kuen's "stretchable carrier layer" has essentially the same width in the waist regions as it does in the crotch, and does not come close to being of waist region width in the waist region. Elastic side panels 36 in addition to the "stretchable carrier layer" 46 define the waist region widths. The waist region width stretchable carrier layer of the present invention allows for a better fit of the absorbent garment without the use of Kuen's elastic side panels, as described in more detail in the present application. Second, Kuen does not disclose, teach, or suggest that Kuen's outer layer 46 is stretchable as required by claim 1, only that it provides a relatively cloth-like texture. The stretchable carrier layer of the present application also allows for a better fit of the absorbent garment.

For at least these reasons, independent claim 1, and claims 2 and 7-12 that eventually depend therefrom, are patentable.

K-C Docket No.: 19,043
Serial No.: 10/750,188
Response to Office Action Dated: August 7, 2007

Rejections Under 35 U.S.C. § 103(a)

Kuen in view of Van Gompel does not teach or suggest each and every element of the claimed invention.

By way of the Office Action mailed August 2, 2007, the Examiner rejects claims 13-16 under 35 U.S.C. § 103(a) as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over Kuen in view of U.S. Patent No. 4,938,753 to Van Gompel et al. (hereinafter "Van Gompel"). This rejection is respectfully traversed to the extent that it may apply to the presently presented claims.

Kuen in view of Van Gompel does not disclose, teach, or suggest all Applicants' claim limitations. Claims 13 and 15 are each directed to a method of making a disposable absorbent garment including, *inter alia*, a continuous web comprising a stretchable carrier layer. Kuen does not disclose, teach, or suggest that Kuen's outer layer 46 is stretchable as required by claims 13 and 15, only that it provides a relatively cloth-like texture. The stretchable carrier layer of the present application allows for a better fit of the absorbent garment. Van Gompel does not correct the deficiencies of Kuen at least in that Van Gompel does not provide a disposable absorbent garment including a stretchable carrier layer as required by claims 13 and 15.

For at least the reasons set forth above, Applicants respectfully request that all the rejections under 35 U.S.C. § 103 be withdrawn.

If the Examiner has any questions or if there are any remaining issues that can be handled by telephone, the Examiner is invited to contact the undersigned at (920) 721-8863.

Please charge any fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

Respectfully submitted,

Daniel R. Schlinz et al.

By: 

Randall W. Fieldhack
Registration No.: 43,611
Attorney for Applicant(s)